

REMARKS

Reconsideration of this application in view of the following remarks is requested. As this Reply is being submitted in response to the Final Office Action dated February 13, 2008, Applicants submit herewith a Request for Continued Examination under 37 C.F.R. §1.114 and a petition for a one-month extension of time under 37 C.F.R. §1.136(a). Claims 2-4 and 6-11 are pending in the application. Claims 2-4 and 6-11 have been amended.

In the (Final) Official Action dated February 13, 2008, the Examiner restricted the claims into Group I (claims 2-4 and 6-11), and Group II (claim 23) requiring election. Further, the Examiner rejects claims 2-4 and 6-11 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,540,366 to Keenan et al. (Keenan). Finally, the Examiner rejects claim 8 under 35 U.S.C. §103 as unpatentable over Keenan.

Restriction/Election

The Examiner has required election to the restriction requirement of Groups I and II. Applicants herein elect with traverse Group I, claims 2-4 and 6-11, for prosecution in this application. Applicants respectfully submit the restriction requirement is improper and should be withdrawn. Specifically, the Examiner has based his analysis on the misconception that the invention as claimed is limited to being secured to a wall or other support structure. Office Action page 3, paragraph 2. Applicants submit this is not correct and specifically directs the Examiner's attention to paragraph [0012] of the specification, "*The boom stand or support stand 110 is designed as an all in one mobile presentation station*". Applicants submit the addition of the "cross bar" does not create a separate utility as suggested by the Examiner (Office Action, page 3, paragraph 2), but is a component of the invention which is key to its unique design and function (as discussed herein).

Applicant respectfully submits the restriction should be withdrawn.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejects claims 2-4 and 6-11 under 35 U.S.C. 102(e) as being anticipated by Keenan. Applicant respectfully traverses the Examiner's rejection.

"To anticipate a claim, the reference must teach every element of the claim." MPEP § 2131. The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." MPEP § 2111 (citing *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)).

Applicants have amended claims 2-4 to more clearly define the invention. Support for the amendments can be found throughout the specification, but specifically in paragraphs [0013] and [0016]. Applicants submit that the claims as amended recite limitations that are not in Keenan nor would the invention of Keenan desire such limitations. Specifically, the concept of Keenan is to provide an apparatus wherein the weight from boom arm and projector is distributed directly along the vertical axis of the support member; most commonly mounted to a wall; see column 4, lines 32-45 and Figures 1, 9, 10 and 11. Moreover, claim 1 of Keenan recites, "*an overhead projector support assembly extending outwardly from a generally vertical support surface in a generally horizontal disposition*".

In contrast to Keenan, the invention as claimed requires the weight to extend "behind" the first set of upright members and the second set of upright members; thus eliminating the possibility of being "wall mounted" for two reasons, 1) any weight which would be "behind" the wall mounting would need to be secured to the wall (as the closest component of the assembly to

a wall), thereby eliminating a key function of the “counter-weight”, e.g. to dampen the movement of the project (based on its weight), and 2) if mounted in any one position, additional components would be needed to manipulate the projector into position for displaying images on the screen.

As amended the claims recite a “top bar” which is perpendicular to the first and second set of upright members. This configuration is not trivial but relates to the weight “balance” of the assembly and the overall design. Specifically, this design gives greater support and balance which is important for manipulation of the projector due to the desired portability of the invention. Paragraph [0012].

Applicants respectfully submit Keenan does not teach every limitation of the present invention and requests the rejection under 35 U.S.C. 102(e) be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects claim 8 under 35 U.S.C. 103 as being unpatentable over Keenan. Applicant respectfully traverses the Examiner’s rejection.

A rejection under §103 requires a showing of all of the following: 1) there must be some suggestion or motivation to modify or combine the references as suggested by the Examiner (it is not sufficient to say that the cited reference can be modified or combined without a teaching in the prior art to suggest the desirability of the modification; 2) there must also be a reasonable expectation of success; and 3) the references must teach or suggest all limitations of the claims. The teaching or suggestion to combine or modify the applied art and the reasonable expectation of success must both be found in the prior art and not in applicant’s specification (MPEP § 2143).

The reference cited does not teach or suggest all of the claimed limitations as currently amended. Further, the references do not provide a suggestion or motivation to modify or combine the references as suggested by the Examiner. Specifically, any addition of shelves would need to appreciate the weight distribution and balance issues based on the design of the present invention. As Keenan does not contemplate these issues (as it is based on a completely different design; as discussed herein) it could not suggest or give any motivation to add shelves which would be of an acceptable design for the present invention. Finally, Applicants submit that claim 8 depends from a claim which is now in condition for allowance and as such, should be allowable.

Applicant respectfully requests the rejection of claim 8 under 35 U.S.C. 103 be withdrawn.

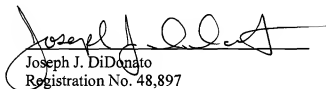
CONCLUSION

Applicant believes the foregoing is a full and complete response to the pending Office Action, and thus respectfully requests allowance of the pending claims. The Examiner is invited to call the undersigned to advance prosecution of this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 02-2555.

Respectfully submitted,

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